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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,199	09/10/2003	Yoshikazu Kobayashi	071671-0169	3230
22428	7590	06/19/2006	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				LAM, DUNG LE
		ART UNIT		PAPER NUMBER
		2617		

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/658,199	KOBAYASHI, YOSHIKAZU
	Examiner Dung Lam	Art Unit 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)–(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The Information Disclosure Statement submitted on 9/10/03 has been considered by the examiner (see attached PTO-1449 form).

### ***Drawings***

The drawings are objected to because Step S1 of Figure 5 is not very clear. Step S1 is labeled as “identical with predetermined i/o address?” This label causes the reader to wonder what is being compared with the i/o address. The label should indicate what kind of value is being compared with the predetermined i/o address.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional

replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 12 objected to because of the following informalities:
4. Claim 12 cites "wireless LAM" which should be corrected to --wireless LAN--.
5. Claim 13 cites,  
"The wireless LAN utilizability detecting method according to claim 10, in which transmission and reception of electronic mails are made **as well** based on the informing operation".  
The claim seems awkward and the examiner suggests the following change, "The wireless LAN utilizability detecting method according to claim 10, in which the step of transmitting and receiving of electronic mails are performed **following** the informing operation".
6. Claim 14 cites "The wireless LAN utilizability detecting method according to claim 10, in which data from a particular web page is automatically collected **based on the** informing operation".

The examiner suggests changing the claim to --“The wireless LAN utilizability detecting method according to claim 10, in which data from a particular web page is automatically collected **following** the informing operation”-

7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim10-14 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

***Claim 10*** cites,

“a wireless LAN utilizability detecting method, in which a wireless LAN utilizability detecting system comprising a housing detachably mounted on a data terminal device a wave intensity detecting means disposed at least partly on the housing and serving to obtain a detection output corresponding to the intensity of wave in a predetermined wireless LAN band, and a detection output means for generating, based on the output of the wave intensity detecting means, an output representing a content as to whether the wireless LAN is utilizable, is mounted in the pertinent data terminal device when *it* (*which structure is performing the function?*) receives an output from the detection output means of the wireless LAN utilizability detecting system, *it* checks whether the value of the received output and a predetermined value are identical, when the identity is recognized, *it* causes an automatic start operation, when the identity is not recognized, *it* holds a waiting state, when the automatic start operation is made, *it* checks whether the pertinent wireless LAN can perform authentication, when *it* is decided that authentication can be performed, *it* does an informing operation to inform to the user that the user can perform actual communication, and when *it* is not decided that authentication can be done, *it* turns off ***the power supply***.”

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8. Claim 10 is a method claim, however, the limitations are in narrative forms which should be changed to active form.

9. It is also not clear what does the word "it" means; therefore the applicant is suggested to specifically name the structures (which component of the internal circuitry of the detecting system is performing the tasks? a sensor, a detector, comparator, a connector?) are performing the functions/steps instead of citing a general subject "it". A more favorable outcome may occur for claims 10-14 if the claims contain specific structures/components of the detection system that perform the claimed functions such as authentication, comparing of the values, detection of signal, notification of available communications, automatic start-up and turn-off of the data device.

10. Furthermore, the word "the identity" lacks antecedent basis because no identity was mentioned before. It's not clear where the identity comes from.

11. Furthermore, the word "the power supply" lacks antecedent basis because no *power supply* was mentioned before. For clarity purpose, it is also recommended that the claim language should indicate the power supply belongs the data device rather than the wlan card itself.).

#### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by iPAQ (iPAQ Newtorking 11Mbps Wireless PC Cards, 2001).

14. Regarding *claim 1*, iPAQ teaches a wireless LAN utilizability detecting system (page 4 and 5) comprising a housing detachably mounted on a data terminal device (wireless PC card, page 11), an wave intensity detecting means disposed at least partly inside the housing and serving to obtain a detection output corresponding to wave in a predetermined wireless LAN band (scanning means and rescan, page 13), and a detection output means (LED indicator 1, pages 5, 12-13) disposed in the housing and serving to generate an output representing a content as to whether the wireless LAN is utilizable based on the output of the wave intensity detecting means (signal strength, pages 12-13, 5).

15. Regarding *claim 2*, iPAQ teaches the wireless LAN utilizability detecting system according to claim 1, wherein the housing constitutes an inherent adapter for mounting a wireless LAN card on the pertinent data terminal device (page 5 and 11).

16. Regarding *claim 3*, iPAQ teaches the wireless LAN utilizability detecting system according to claim 1, wherein the housing constitutes a housing of a wireless LAN card (pages 5 and 11).

17. Regarding *claim 5*, iPAQ teaches the wireless LAN utilizability detecting system according to claim 1, wherein the wave intensity detecting means

includes a comparing means for comparing the intensity of detected wave in the predetermined wireless LAN band and generating an output corresponding to the comparison result as output of the wave intensity detecting means (page 5).

18. Regarding **claim 7**, iPAQ teaches the wireless LAN utilizability detecting system, according to claim 1, wherein the detection output means is arranged to drive a display means provided on the housing according to the output of the wave intensity detecting means (scanning for signal/link quality and displays via graphs or LED, pages 5, 11, 13).

19. Regarding **claim 8**, iPAQ teaches the wireless LAN utilizability detecting system according to claim 7, wherein an LED is used as the display means (page 5).

20. Regarding **claim 9**, iPAQ teaches the wireless LAN utilizability detecting system according to claim 2, in which the housing inherently includes a wireless LAN card side connector, a data terminal device side connector and an inter-connector bus inter-connecting the two connectors, and which further comprises an active checking means for checking whether the inter-connector bus is active and, when the inter-connector is found to be active, rendering the wave intensity detecting means or the detection output means inoperative.

### ***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claim 4 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **iPAQ** (iPAQ Newtorking 11Mbps Wireless PC Cards, 2001) in view of **Hall**. (US Pub No. 2004/0203352).

23. Regarding **claim 4**, **iPAQ** teaches the wireless LAN utilizability detecting system according to claim 1 except wherein the wave intensity detecting means operates without being supplied by power from a separate power supply but by power obtained by receiving wave in a predetermined wireless LAN band. In an analogous art, **Hall** teaches the concept of passive RFID which derives the power from the detected signal which overcomes the power consumption burden (para. 23, 40, and Abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine iPAQ's teaching of the network interface and Hall's teaching of the passive RFID to derived energy from detected signal to minimize the complexity or size of the device by eliminating the need to carry its own battery supply.

24. With further regard to **claim 6**, **iPAQ** teaches the wireless LAN utilizability detecting means according to claim 1, wherein the detection output means is arranged to output a signal for starting the data terminal device based on the output of the wave intensity detection means (para. 23, 40, and Abstract).

#### ***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Comp. (US Publication No. 2004/0203698) teaches a wireless LAN detection system that notifies users of an imminent loss of connection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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